

## **REMARKS**

Claims 1, 3-5 and 7-9 remain pending in the present application. Claims 2 and 6 have been withdrawn by the Examiner. Claims 3-6 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

### **OBJECTION TO THE SPECIFICATION**

The Examiner has objected to the specification alleging that it fails to provide antecedent basis for the limitations at lines 4 and 7 of Claim 3. Applicants disagree with the Examiner's position.

Paragraphs 51-53 clearly provide antecedent basis for these limitations. Accordingly, Applicants respectfully request the Examiner to withdraw his objection.

### **OBJECTION TO THE CLAIMS**

The Examiner has objected to Claims 3-6 for various reasons. Claim 3, as well as Claim 4-6, have been amended to overcome the Examiner's objection. The typographical errors have been corrected as well as paragraphs being added.

### **REJECTION UNDER 35 U.S.C. §112**

The Examiner has rejected Claims 3-5, 7 and 8 under 35 U.S.C. §112, second paragraph, alleging them to be indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 3 has been amended to define that the irregular portion is formed on the radially outwardly arranged member where the wheel hub and outer joint member are

fitted with each other, as indicated in Claim 1 at lines 3-4. Applicants believe this to overcome the Examiner's §112, second paragraph, rejection and respectfully request withdrawal of the same.

### **REJECTION UNDER 35 U.S.C. 103**

The Examiner has rejected Claims 1, 3-5, and 7-9 under 35 U.S.C. §103(a) as being unpatentable over JP 2003-089301. Also, the Examiner has rejected Claims 1 and 9 under §103(a) as being unpatentable over Sera et al. (U.S. Patent Application No. 2002/0051597). Further, the Examiner has rejected Claims 1, 3-5, and 7-9 under 35 U.S.C. §103(a) as being obvious over any of U.S. Patent Nos. 6,497,515; 6,773,165; and 6,780,114.

The cited Japanese reference, as well as the U.S. application to Sera et al., and U.S. Patent Nos. 6,497,515; 6,773,165; and 6,780,114, are all assigned to the same assignee as the present invention.

Applicants include a certified translation of the priority document. Accordingly, since Applicants are entitled to a priority date prior to the publication date of the Japanese reference, the Japanese reference is improper. Accordingly, Applicants respectfully request withdrawal of this rejection.

The Examiner has rejected Claims 1 and 9 under 35 U.S.C. §103(a) as being unpatentable over Sera et al.

The Sera et al. reference discloses swing caulking. Swing caulking includes a self-retaining structure which determines a pre-stress on the bearing and secures the inner wall of the inboard side to an end portion of the inboard side of the wheel hub. When a bending stress is generated in a vehicle during turning, the bending stress is

applied to the wheel hub. Here, the end of the inboard side of the wheel hub is turned below the inner ring of the inboard side. Thus, a line of action of a contact angle of a plurality of rolling elements goes through the wheel hub or a line of action of the inboard side axis, via the inner ring.

In the present invention, an extending line of contact angle does not hang on the wheel hub. The wheel hub is secured onto a cantilever stem of a constant velocity joint. Thus, the present invention cannot be successfully secured at an outboard axis as in a conventional manner using swing caulking, as illustrated in the Sera et al. reference. Thus, one skilled in the art would not look to the Sera et al. reference since this type of securing mechanism is not used in the present invention. Accordingly, Sera et al. does not disclose a pull-out force because, due to its design, a pull-out force is not necessary nor required. Accordingly, one skilled in the art would not consider the present invention an obvious modification of Sera et al. Accordingly, Applicants believe Claims 1 and 9 to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 1, 3-5, and 7-9 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Nos. 6,497,515; 6,773,165; and 6,780,114.

These references constitute prior art only under 35 U.S.C. §102(e). Accordingly, 35 U.S.C. §103(c) is applicable. U.S. Patent Nos. 6,497,515; 6,773,165; and 6,780,114 are all assigned to NTN Corporation, the assignee of the present invention. Thus, U.S. Patent Nos. 6,497,515; 6,773,165; and 6,780,114 shall not preclude patentability under §103. Thus, Applicants respectfully request the Examiner to withdraw his §103(a) rejection.

## DOUBLE PATENTING REJECTION

The Examiner objects to Claims 4 and 5 as being duplicates of one another. However, the language is different and they are not the same. Accordingly, upon allowance of the present application, Applicants will, if necessary, amend the application.

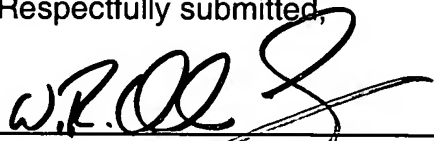
The Examiner has rejected Claims 1, 3-5, and 7-9 under the judicially-created doctrine of obviousness-double patenting in view of Claims 1-16 of commonly owned U.S. Patent No. 6,773,165. Also, the Examiner has rejected the claims under judicially-created obviousness-type double patenting as being unpatentable over Claims 1-24 of U.S. Patent No. 6,497,515. Upon notice of allowance of the above-identified application, Applicants, if necessary, will submit a terminal disclaimer.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: October 11, 2005

By:

  
W. R. Duke Taylor  
Reg. No. 31,306

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

WRDT/lkj

### **AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheet" of drawings includes changes to Figure 2. The attached "Replacement Sheet," which includes Figure 2, replaces the original sheet including Figure 2.

Attachment: Replacement Sheet